

Application No. 10/681,649
AMENDMENT dated July 29, 2008
Reply to Office Action of April 29, 2008

REMARKS

In the Action, claims 1-32 are pending. Claims 17-27 are withdrawn from consideration. Claim 32 is new.

Claims 1-2, 9, 11, 15-16, and 28-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,711,981 ("Wilson"). It is respectfully submitted that claims 1-2, 9, 11, 15-16, and 28-31 are not anticipated by Wilson.

With respect to claim 1, Wilson does not disclose advancing the food product in a feed direction such that the food product simultaneously extends beyond both the entrance and the exit during at least part of the step of passing the food product through the steam sleeve. Instead, Wilson discloses a steam chamber enclosure with pressure retaining entrance and exit doors to maintain positive pressure in the steam chamber as meat enters and exits the steam chamber. The doors would prevent passage of a food product having a length greater than the length of the steam chamber of Wilson. Additionally, Wilson discloses multiple discrete meat pieces being passes through the steam chamber, none of which has a length greater than the length of the steam chamber. While such comparatively small meat pieces can be passed through the doors, a much longer piece would get caught in the door and the door would not close.

With respect to claim 28, Wilson does not disclose a channel formed on the interior wall of a steam sleeve, wherein the channel has an inlet and an outlet and the channel is inwardly open to the interior between the inlet and the outlet. The Office Action asserts that steam supply header 136 of Wilson is a "channel" that is "inwardly open to the interior of the sleeve." However, steam supply header 136 is not formed on the interior wall of the chamber. Further, steam supply header 136 does not have an inlet for the introduction of steam into the sleeve and an outlet for removal of the steam and condensate from the sleeve.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,741,536 ("Mauer"). It is respectfully submitted that claim 1 is not anticipated by Mauer.

The Office Action alleges that the meat in Mauer would at least partially block both the entrance and the exit during at least a part of the step of passing the food product through the steam sleeve. However, as presently recited in claim 1, the food product has a length greater than the interior length of the steam sleeve and simultaneously extends beyond both the entrance and the exit during at least part of the step of passing the food product through the steam sleeve. This is not disclosed in Mauer.

Claims 1, 8, 9, 28, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,439,694 ("Morris"). It is respectfully submitted that claims 1, 8, 9, 28, and 29 are not anticipated by Morris.

With respect to claim 1, Morris does not disclose the food product having a length greater than the interior length of the steam chamber such that the food product simultaneously extends beyond the entrance and the exit during at least part of the step of passing the food product through the steam sleeve. Instead, Morris discloses a steam chamber for the processing of multiple discrete meat pieces, none of which are of a size where it would be possible for the discrete piece to simultaneously extend beyond the entrance and exit.

With respect to claim 28, Morris does not disclose a channel formed on the interior wall of a steam sleeve, wherein the channel has an inlet and an outlet and the channel is inwardly open to the interior between the inlet and the outlet. Instead, Morris discloses a steam chamber that is supplied with steam through a steam line 36. The Office Action asserts that steam line 36 of Morris Jr. is a "channel" that is "inwardly open to the interior of the sleeve." However, steam line 36 is not formed on the interior wall of the sleeve and steam line 36 does not have an inlet for the introduction of steam into the sleeve and an outlet for removal of the steam and condensate from the sleeve.

Claims 12-14 are rejected under 35 U.S.C. § 103(a) over Wilson. Claim 3 is rejected under 35 U.S.C. § 103(a) over Wilson in view of Pikus. Claims 3-7 and 10 are rejected under 35 U.S.C. § 103(a) over Wilson in view of Gressley. Claim 8 is rejected under 35 U.S.C. § 103(a) over Wilson in view of Kennedy. Given the above discussion of Wilson with respect to

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independent claim 1, it is respectfully submitted that claims 3-8, 10, and 12-14 dependent therefrom are patentable over the applied references.

Reconsideration of claims 1-16 and 28-31 and allowance of claims 1-16 and 28-32 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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